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ARIZONA CORPORATION COMMISSION
UTILITIES DIVISION
1200 W. WASHINGTON STREET
PHOENIX, AZ 85007



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Letter of Non-Compliance

September 23, 2003

Mr. Ron Ireland
TMC Communications
125 E De La Guerra, Suite 201
Santa Barbara, California 93101

Arizona Corporation Commission
DOCKETED

OCT 13 2003

RE: DOCKET NO. T-03714A-01-0805 DECISION NO. 65126

Dear Mr. Ireland:



This notice will inform you that TMC Communications has not met certain compliance requirements ordered by the Commission in the above-referenced Decision. In that Decision, the Commission conditioned approval of the application on TMC Communications filing certain documents with the Commission within a specific time period as described on the attached Compliance Delinquencies Report.

As a result of this non-compliance, the Certificate of Convenience and Necessity did not issue to TMC Communications and is void. If TMC Communications intends to provide service in the future within Arizona, it must either file a new application for a certificate of convenience and necessity or obtain an extension of time to comply from the Commission. If you are requesting an extension of time to comply, your request must be received by the Commission no later than thirty (30) days from the date of this notice. Your request should set forth the reasons why you did not comply with the Commission's Decision and why you should be granted an extension. The Commission will consider your request and issue an Order either granting or denying your request for extension. Address your request for an extension of time to comply to: Docket Control, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007. Reference in your request the Docket Number and Decision Number for this matter.

If you believe this to be in error, or, if I can answer any questions, please contact me at 602-542-0818.

Sincerely,

Brian Bozzo
Manager, Compliance and Enforcement
Utilities Division

cc: Docket Control, with fifteen copies

Compliance Delinquencies Report

Report Date: September 23, 200

COMPANY: TMC Communications
DOCKET NO. T-03714A-01-0805
DECISION NO. 65126 **DECISION DATE:** 8/22/2002

COMPLIANCE ACTION: Certificate is conditioned on Company filing conforming tariffs with the Commission in accordance with the Commission's Decision within 365 days from the effective date of the Commission's Decision, or 30 days prior to providing service, whichever comes first. If the Company fails to meet this timeframe, then the Certificate conditionally granted shall become null and void without further Order of the Commission.

COMPLIANCE DUE DATE 8/22/2003 **OR,**

COMPLIANCE ACTION: Certificate is conditioned on Company filing proof of a performance bond for \$125,000 the earlier of 365 days of the effective date of the Commission's Decision, or 30 days prior to the commencement of service. The bond must remain in effect until further Order of the Commission. If the Company fails to meet this timeframe, then the Certificate conditionally granted shall become null and void without further Order of the Commission.

COMPLIANCE DUE DATE 8/22/2003 **OR,**
30 days prior to the commencement of service, whichever is the earliest.

COMPLIANCE ACTION: Application is approved subject to the following. Unless the Company provides services solely through the use of its own facilities, the Company is ordered to procure an Interconnection Agreement, within 365 days of the effective date of the Commission's Decision, or 30 days prior to the provision of service, whichever comes first. The Interconnection Agreement must remain in effect until further Order of the Commission, before being allowed to offer local exchange service.

COMPLIANCE DUE DATE 8/22/2003 **OR,**
30 days prior to the provision of service, whichever comes first

COMPLIANCE ACTION: Application is approved subject to the following. The Company is ordered to file with the Commission, within 365 days of the effective date of the Commission's Decision, or 30 days prior to the provision of service, whichever comes first, its plan to have its' customers' telephone numbers included in the incumbent's Directories and Directory Assistance databases.

COMPLIANCE DUE DATE 8/22/2003 **OR,**
30 days prior to the provision of service, whichever comes first

Compliance Delinquencies Report

Report Date: September 23, 200

COMPANY: TMC Communications

DOCKET NO. T-03714A-01-0805

DECISION NO. 65126 **DECISION DATE:** 8/22/2002

COMPLIANCE ACTION: Application is approved subject to the following. The Company is ordered to certify through the 911 service provider in the area in which it intends to provide service, that all issues associated with the provision of 911 service have been resolved with the emergency service providers, within 365 days of the effective date of the Commission's Decision, or 30 days prior to the provision of service, whichever comes first. The certification must remain in effect until further Order of the Commission.

COMPLIANCE DUE DATE 8/22/2003 **OR,**
30 days prior to the provision of service, whichever comes first
